

## **FISCAL NOTE**

### **HB 412 - SB 717**

February 27, 2007

**SUMMARY OF BILL:** Increases minimum fines and incarceration periods for first and repeat non-technical violations of the sexual and violent sexual offender registry, a Class E felony. Increases minimum period of imprisonment from 90 days to six months for first offense; from 180 days to one year for second offense; and from one year to two years for third offense.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$379,100 / Incarceration\***

**Increase Local Govt. Revenues – Not Significant**

**Increase Local Govt. Expenditures – Not Significant**

Assumptions:

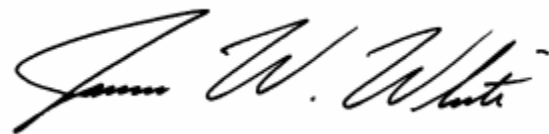
- According to the Administrative Office of the Courts, there were 212 convictions of this offense in 2006. During FY06 there were 40 persons admitted to the Department of Correction (DOC) for violations of the sexual and violent sexual offender registry. DOC estimates that these 40 admissions would be impacted by the increased penalties of this bill. DOC estimates that 24 of these admissions would be first-time violators, 12 would be second-time violators and four would be for the third time.
- Twenty-four persons would serve an additional 0.25 years (an increase from 0.25 years to 0.50 years) in the first year as a result of this bill. According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth will result in three additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 27 offenders serving an additional 0.25 years (91.31 days).
- According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.25 years is \$5,493.21 (\$60.16 x 91.31 days). The cost per inmate at 0.50 years is \$10,987.02 (\$60.16 x 182.63 days). The additional operating cost from increasing the average sentence length is \$5,493.81. The total additional operating cost for 27 offenders per year is \$148,332.87 (\$5,493.81 x 27).

- Twelve persons would serve an additional 0.50 years (an increase from 0.5 years to 1.0 years) in the first year as a result of this bill. Population growth will result in one additional offender in the tenth year. The maximum cost in the tenth year is based on 13 offenders serving an additional 0.5 years (182.63 days). The cost per inmate at 0.50 years is \$10,987.02 (\$60.16 x 182.63 days). The cost per inmate at 1.0 years is \$21,973.44 (\$60.16 x 365.25 days). The additional operating cost from increasing the average sentence length is \$10,986.42 (\$21,973.44 - \$10,987.02). The total additional operating cost for 13 offenders per year is \$142,823.46 (\$10,986.42 x 13).
- Four persons would serve an additional 1.0 years (an increase from 1.0 years to 2.0 years) in the first year as a result of this bill. The cost per inmate at 1.0 years is \$21,973.44 (\$60.16 x 365.25 days). The cost per inmate at 2.0 years is \$43,946.88 (\$60.16 x 730.50 days). The additional operating cost from increasing the average sentence length from 1.0 years to 2.0 years is \$21,973.44 (\$43,946.88 - \$21,973.44). The total additional operating cost for four offenders per year is \$87,893.76 (\$21,973.44 x 4).
- According to the Comptroller of the Treasury, there may be some increase in expenditures and revenues pursuant to this bill but the increase in local government revenues and expenditures will be not significant. Not many offenders would reach a second or third violation and usually when offenders fall into compliance they remain in compliance.
- The Board of Probation and Parole will not require additional resources. It will not significantly change the process.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director